

**Minutes  
State Board of Education  
Monday, February 24, 2003**

The Arizona State Board of Education held a meeting at the Arizona Department of Education, 1535 W. Jefferson, Phoenix, AZ 85007. This meeting began at approximately 9:30 am.

**Members Present**

Dr. Wade McLean; President  
Ms. Nadine Mathis-Basha; Vice President  
Dr. Matthew Diethelm  
Dr. Michael Crow  
Superintendent Tom Horne  
Ms. Conkie Hoover  
Ms. Armida Bittner  
Ms. JoAnne Hilde

**Members Absent**

Ms. Catherine Kasper

***President's Report***

President McLean addressed the issue of integrating AZLEARNNS with NCLB for Arizona's education system. Dr. McLean spoke about his desire to learn more about what areas Arizona is out of compliance with the Federal standards, and, about the areas Arizona needs to improve upon in order to offer our students the best source of quality education.

President McLean, additionally, requested a complete list of Subcommittees, including member status and mission, which the State Board has jurisdiction over. Dr. McLean would like to have this list available for discussion at the next Board meeting in March.

***Superintendent's Report***

Superintendent Horne apologized for arriving late to the Board meeting, but explained that he was not feeling well. Mr. Horne welcomed the new members to the State Board. He then spoke about the English Language Learner issue, which brought many people to this Board meeting for the public comment session. Mr. Horne explained that the State statute places the responsibility of this issue upon the Arizona Department of Education, and that the Department has added many dedicated staff to resolving this issue- he mentioned Margaret Garcia-Dugan.

***Board Member Reports***

Dr. Diethelm reported on the recent ASU teacher preparation seminar that several of the members attended. Dr. Diethelm reviewed the following issues from the meeting: that there is an undersupply of highly qualified teachers, that institutions preparing new teachers must adopt the requirements of NCLB into their programs, and that this type of joint meeting offers a great starting point for further discussions on this issue.

Ms. Basha spoke to the Board about the Arizona Business and Education Coalition (ABEC) meeting centered on the discussion of modifications to AZLEARNNS. She felt that this was a great way to incorporate all aspects of the community in order to create quality modifications.

### ***Director's Report***

Ms. Farley mentioned that the Holocaust recognition originally scheduled for this meeting has been postponed for the March meeting. In support of celebrating good news in education, she informed the Board that the week of February 9-15, 2003 was National Career and Technical Education week and that two local schools (Flowing Wells and MetroTech) had received national recognition and grants for their CTE accomplishments. Ms. Farley then reported on Legislative activities. She informed the Board that State Senator Anderson had requested the Board's position on SB 1278 concerning community service and the requirement of the State Board to create guidelines for schools to use. Ms. Farley suggested a neutral position. Superintendent Horne, however, expressed strong support for this proposal and made a motion to support, seconded by Ms. Hilde. Ms. Farley further discussed HB 2051, SB 1144, and their status in the Legislature. Further she updated the Board on the Governor's suggested OSPB budget for consolidation charter school oversight. The relationship between the Governor's proposed budget and the JLBC's proposed budget was also discussed. Lastly, Ms. Farley informed members that the AZREADS grant awarded to Voyager learning will hold an informational meeting for all eligible schools on February 28<sup>th</sup>.

Motion  
Support SB 1278

### ***Public Comments***

President McLean began the public comment session of the Board meeting and noticed that there were several people present who wished to discuss the ELL issue (in which a Translator was contracted by the Board to provide translation assistance). Those who spoke were:

Rocio Auila	Lisa A. Quiroga
Amy Carlile	Delia Saenz
Maria Castro	Marilyn Sanchez
Johanna Haver	Carlos Tupia
Sue Kovareck	Ana Taracena
Maria Palomec	Frances McMahon Ward
Tracey Pastor	

Further information is available on the meeting tape. General concern regarding the new fluency standards announced by the Superintendent was expressed by all except Ms. Haver, who expressed support for the higher standards.

### ***Executive Session***

Before entering into the consent agenda, Dr. Diethelm made a motion to move into Executive Session to receive legal advice on certification issues. Ms. Basha seconded. The Board returned and reconvened the meeting.

20 Minute Executive Session

### ***Consent Items***

President McLean introduced the consent items to the Board. Dr. Diethelm made the motion to remove Consent item 4D1 from the consent agenda. Ms. Hoover seconded. Unanimously approved. The remaining consent agenda items were moved by Ms. Basha and seconded by Ms. Bittner with approval by unanimous vote.

Motion to Remove Item 4D1.  
Approved.  
Motion to Approve  
Items 4D2, 4A, 4B, 4C.  
Approved

## **General Session**

### ▫ *Disposition of Certification for Kyle Hartman*

Mr. Holder (Hartman's attorney) spoke briefly about Mr. Hartman's past employment and his reasons for resignation. Dr. McLean asked the Board's Investigative Unit Associate Director, Mr. Emanuel, about any requested investigations from the previous employer of Mr. Hartman, in which, Mr. Emanuel replied that no other previous investigations were held concerning this case. Investigations Supervisor, Mr. Yanez, reported that he did speak with Mr. Hartman's previous employer and school Superintendent for background material for this investigation. Dr. McLean asked the Board members for a motion; made by Ms. Hilde-which was then repeated for clarity by Ms. Farley: That the Board move to remand Kyle Hartman back to the PPAC to contact past employers and gather any other information they believe is important, including findings of fact. Dr. Diethelm seconded the motion. Motion approved. Mr. Crow explained that he would like to see the PPAC move with dispatch to resolve this case and to allow Mr. Hartman to move on with future career opportunities.

Motion to Remand  
Kyle Hartman's certification  
investigation to the PPAC for  
information and  
recommendations from past  
employers and for findings of  
fact to be made to the Board  
members.  
Approved.

### ▫ *Accept Recommended Certification Denial for Roger Lemons*

Mr. McLean directed the Board to the next general session certification item and asked if Mr. Lemons was present. He was not, and Dr. McLean requested a Board motion. Superintendent Horne moved that the Board make a determination that Roger Lemon engaged in immoral and unprofessional conduct including a pattern of allegations of improper conduct with female students, which led to his resignation from one job and voluntary surrender of teaching credentials in 2001. Motion seconded by Dr. Diethelm. A clarifying statement was made to insure legal compliance. Superintendent Horne added that the Board accepts the PPAC's recommendation to deny certification for Roger Lemons because he engaged in immoral and unprofessional conduct, as determined by this Board and for all the reasons contained in the PPAC's record. Motion seconded by Dr. Diethelm. Approved.

Motion to Deny  
Certification for Roger  
Lemon's based on immoral  
and unprofessional conduct  
and PPAC recommendation.  
Approved.

### ▫ *Review and Discussion of the School Improvement Plan (SIP) Process, required under AZLEARNS*

Ms. Farley began a brief background presentation to the Board members about this process and the requirements stipulated by law. Dr. McLean questioned that these site funds will not be reimbursed to the districts after they submit their plans. Ms. Farley replied that these funds are withheld for every day not submitted to ADE and for an additional 90-days thereafter; and, that these funds will not be reimbursed to the districts. Ms. Farley further clarified that those schools that failed to submit a SIP in February, have yet to see their Classroom Site Funds decrease, as the decrease will become effective in March. Ms. Farley gave a hypothetical example for Board clarity as to how a school district budget would be impacted. Dr. McLean reported that Classroom Site Fund monies are allocated for three areas: teacher performance pay, salary, and a list of prevention programs. Further, he discussed that the Board's stance on the SIP money withholding will set precedent for the future. Ms. Farley stated that the statute does not provide for Board flexibility in this matter- it is an absolute.

Discussion Only

Superintendent Horne stated that the budgets for school districts have already been created, and thus teacher salary for this year is under contract and should be safe. Ms. Hoover started a conversation about the appeals process, where Ms. Farley replied that the Legislature and the ADE are currently working on an appeals type process through AZLEARNS modifications. Dr. McLean suggested that the Board move on to consent Item 5C.

▫ *Presentations of the School Improvement Plans Submitted by the State Board of Education Charter Schools that Received an Underperforming Profile*

Dr. McLean began this session by asking if the Board had any questions. Superintendent Horne stated that the ADE is currently working on changing the legislation especially in the areas of missing data, the one to three-year rolling average, and the small school designation. AZ Academy of Science and Technology submitted a letter to the Board explaining their situation and asking for special consideration for their profile. Foothills Academy addressed the Board stating that their underperforming label hurt school growth, yet they appreciated the proactive response of the SIP process.

Discussion Only

▫ *Testimony from Schools that Failed to Submit a School Improvement Plan, as required by ARS 15-241*

Dr. McLean opened the discussion. Ms. Farley stated that Beaver Dam Elementary School and Hayden High each submitted their SIP to the ADE prior to the meeting thus moving these schools from the failure to submit to the submitting late category. Dr. McLean moved to the audience to have the representative from McNary Elementary address the Board- McNary was not present. Ms. Ann Shaw Jenkins from New Visions Academy spoke about the major confusion and misrepresentation of profiling she received from various sources. Ms. Jenkins had been under the assumption that her school was in the “Improving” category but yet she was in the “Underperforming” category. She stated that she would now complete the requirements for an underperforming school and submit a SIP. Dr. McLean then moved the Board to the next agenda item.

Discussion Only

Note: McNary Elementary did not have representation to address the Board for their failure to submit a SIP- breach of statutory law 15-241.

▫ *Consideration to Withhold Classroom Site Fund Monies from the following schools for their Failure to submit a School Improvement Plan required by ARS 15-241*

ADE staff provided affirmation to the Board that Beaver Dam Elementary, Hayden High, and Nazlini submitted a SIP late. Dr. McLean asked Ms. Farley if the Board was required to take action on this item. Ms. Farley responded by saying no, that the Department of Education will be required to implement the statute even without action by the Board, but that this was scheduled to provide public awareness of the process and mandatory consequences.

Motion to Withhold  
Classroom Site Monies from  
McNary Elementary, Hayden  
High, and Nazlini for Failure  
to submit an SIP  
Approved.

▫ *Consideration to Withhold Classroom Site Fund for Late Submittal of SIP*

Dr. McLean called on the public for comment.

Will Williams / Superintendent Superior USD: submitted a request to speak, but did not address the Board

Rowld Arias/ Nazlini Charter: expressed to the Board his disappointment and major communication troubles he has with his chartering entity- Peach Springs. Motion to approve the withholding of funds from Superior Junior HS, John F. Kennedy School, Beaver Dam Elementary, Hayden High School, and Nazlini Charter School for the period of time their SIP was late plus an additional 90-days was made by Dr. Diethelm. Motion seconded by Ms. Hoover. Approved.

Motion to Withhold Classroom Site Monies from Schools who submitted their SIP late according to ARS 15-241.  
Approved.

▫ *Review of 10% Withholding Status for C.I. Wilson Academy Charter School and Possible Consideration to Initiate a 90-day Intent to Revoke*

Ms. Farley explained to the Board that CI Wilson has had problems complying with statute because of staff changes and other cyclical problems. Ms. Farley further explained to the Board members that this school has two different charters- one from the State Board for Charter Schools and the other from the State Board of Education. It was explained that CI Wilson is reported to be making progress toward compliance with special education. Dr. McLean asked if Mr. Wilson would come and address the Board. Mr. Wilson reported on the situations and actions that CI Wilson schools are taking. Dr. McLean said that at this time it looks like you are taking actions to correct your deficiencies and we will not address intent to revoke; however, if this failure to comply continues we will be forced to move in that direction. A motion was made from Dr. Diethelm to accept the staff recommendation. Seconded by Ms. Hoover. Approved.

Motion to Continue Withholding 10% of State Aid funds from CI Wilson.  
Approved.

Staff recommendation: Continue to with 10% of state aid for CI Wilson's non-compliance with special education laws and rules until the school comes into substantial compliance with special education laws and rules, which the Board defines to mean: 1) The school shall submit by March 13, 2003, the 45-day items as described in the February 3, 2003 letter from Bobbie Orlando in the ESS unit and that these items will meet the requirements as defined by ESS; and 2) The school shall contract with special education monitor approved by ESS. Further that the Board grants the authority to the Executive Director to make the request to the Department of Education School Finance Unit to restore the full amount of state aid payments to the school upon the school's compliance as stated. If the 45-day items are not addressed, the Board directs staff to prepare an intent to revoke letter on CI Wilson's charter for the Board to issue at the March meeting.

▫ *Consideration to Close the Record and Approve the Notice of Final Rulemaking for R7-2-606, 608, 609, 610, 612, 614 Regarding Teacher and Administrator Certification*

Ms. Farley advised the Board that these rules should be looked at as a placeholder for further rule packages, and not as permanent rules for certification. John Wright, Chairman of the Certification Advisory Committee, spoke to the Board about the committee's attention to the issue. Dr. McLean further stated to the Board and the audience that the

Motion to Approve and Close the Record on Teacher and Administrator Certification Rules R7-2-606, 608, 609, 610, 612, 614.

State is now in a “bind” and there is a sense of immediacy in fixing these certification rules, but that the Board is committed to quick future action on this subject. Ms. Basha made the motion to close the record and approve the notice of final rulemaking for R7-2-606, 608, 609, 610, 612, and 614 regarding Teacher and Administrator Certification. Motion seconded by Ms. Hilde. Approved.

Approved.

▫ *Consideration to Approve Notice of Proposed Rulemaking for R7-2-611 and R7-2-617 Regarding Career and Technical Education for Teacher Certification Rules*

CTE Manager Ms. Bootsma addressed the Board by stating that this process of rules began in 1998 and that they are now providing for alternative paths of CTE teacher certification as well as the traditional certification path. Ms. Bootsma further stated that currently we do not have reciprocity with other states on our tests for teaching certification; however, we do accept course work from other states and apply this to their certification requirements. After minor discussions from the Board, a motion was made by Ms. Basha to approve notice of proposed rulemaking for R7-2-611 and R7-2-617 regarding Career and Technical Education Teacher Certification Rules. Seconded by Ms. Hilde. Approved.

Motion to Approve the Notice of Proposed Rulemaking for CTE Certification Rules.  
Approved.

▫ *Consideration to Approve Renewal of Notice of Emergency Rulemaking for R7-2-611 and R7-2-617 for Career and Technical Teacher Certification Rules*

Ms. Farley reported that this section is only a renewal of the current emergency package to add an additional 6-months of time to adopt the permanent rules just begun in the last agenda item. Ms. Hilde moved to approve the renewal of the Notice of Emergency Rulemaking for R7-2-611 and R7-2-617. Seconded by Ms. Bittner. Approved.

Motion to Approve the Renewal of Emergency CTE Rules.  
Approved.

▫ *Consideration to Approve Notice of Proposed Rulemaking for R7-2-401, 402, 403, 404, 405, 408 Regarding Special Education and Exceptional Student Services Rules*

Dr. McLean introduced this item to the Board. Superintendent Horne stated that he would like more time to review and discuss R7-2-405. Exceptional Student Services Supervisor, Ms. Busenbark, stated that their ESS unit has spoken with the community since fall 2001 and has taken an active role with the SEAP subcommittee and sought their advice. She further stated that like all rules packages this is a compromise between all interested parties. Ms. Hoover moved to approve the notice of proposed rulemaking for R7-2-401-405, and R7-2-408 regarding special education and exceptional student service rules. It was clarified by staff that R7-2-405 is included in the package, but reflects no changes as requested by Superintendent Horne. Dr. Diethelm seconded the motion. Approved.

Motion to Approve the Notice of Proposed Rulemaking for ESS Rules.  
Approved.

▫ *Consideration to Approve Participation in the Career Ladder Program for FY 2004 for School Districts Currently Participating in the Program*

Ms. Farley addressed the members stating that these districts are currently using the Career Ladder program for their teachers. Ms. Farley additionally discussed the Career Ladder Advisory Committee

Motion to Approve the Career Ladder Program for FY2004  
Approved.

and its duties and reported that they had approved these schools as meeting the statutory criteria. Ms. Farley noted that this program is contingent on legislative appropriation, but the Board still needs to meet its statutory deadline for approval. Dr. Diethelm moved to approve the participation in the career ladder program for fiscal year 2004 for school districts currently participating in this program. Seconded by Ms. Basha. Approved.

▫ *Review AZLEARNs and the State Board's Policies*

Dr. McLean moved into the next discussion. Dr. Loughrin, Associate Superintendent of Standards and Accountability, discussed a policy that will give the ADE some teeth in stopping schools that deliberately submit incorrect information necessary for the AZLEARNs profiles. She explained the new ADE policy that students who have already passed the AIMS test, and retake it cannot have their retest score counted; thus raising the schools overall score and profile. However, Ms. Loughrin explained that this is presented for information only and will come back as a proposal when the Board considers AZLEARNs formula modifications.

Discussion Only

▫ *Review and Discussion of a Request for Proposal Regarding the State Mandated Norm-Referenced Test*

Dr. Carriveau addressed the Board stating that Arizona's testing contract will expire June 30, 2003 and that ADE was in the process of issuing an RFP and would bring a recommended bid award to the Board in June. Dr. McLean questioned if this was a blended-test. Superintendent Horne explained that the RFP would not be for a blended test at this time, the data is not sufficient to support it. Minor discussion followed.

Discussion Only

*Adjourned*

At approximately 1:00pm.